

JOE WARDY  
MAYOR



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
NOVEMBER 4, 2003  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Paul J. Escobar, Vivian Rojas and Anthony W. Cobos. Absent: None. Meeting was called to order at 9:10 a.m. and the invocation was given by Chaplain Sam L. Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

### MAYOR'S PROCLAMATIONS

1. ***National Alzheimer's Disease Awareness Month***
2. ***Downtown Optimist Club of El Paso Day***
3. ***Diabetes Awareness Month***

No action was taken on the discussion and action on a liquor permit/license issued by the City on 604 Mauer Street (A), El Paso, Texas, 79915. [Luis Sariñana]

Mr. Luis Sariñana, citizen, explained that a liquor license was approved for 604A Mauer Street and requested that the license be revoked. He responded to Representative Rojas' questions.

Representative Rojas gave background information regarding the issuance of the liquor license.

Mr. Said Larbi-Cherif, Interim Director of Building Permits and Inspections, explained legalities pertaining to the previous owner's liquor license and added that the TABC (Texas Alcoholic Beverage Commission) regulated liquor licenses. He noted that the City was limited to the issuance of Certificates of Premises as either "wet or dry" status and noted that the City had the right to file protests of renewal or issuance of said Certificates.

Mr. Rod Venner, TABC Representative, explained that the TABC could suspend liquor permits and added that an investigation regarding the applicants filing of the liquor license was ongoing.

Representative Cobos requested that the City Attorney's office provide Council Members with a 'whitepaper' regarding the matter.

Ms. Lisa A. Elizondo, City Attorney, stated that City Attorney's office would provide Council Members a whitepaper and added that the current license would expire in 2005.

No action was taken on the presentation by the El Paso Convention & Visitors' Bureau on their nomination of the People's Choice Award presented by the Texas Association of Convention & Visitors' Bureau.  
[William Blaziek]

Mr. Blaziek, General Manager of the El Paso Visitors and Convention Bureau and the El Paso Convention Center and Performing Arts Theatre, presented Council Members a plaque noting the El Paso Convention & Visitor's Bureau as the Texas Association of Convention and Visitors' Bureau, People's Choice Award winners. He then gave a Powerpoint presentation regarding the "Discover El Paso" multi-media advertisements and answered questions from Council Members.

Representative Power praised Mr. Blaziek for his exemplary efforts and the People's Choice Award plaque.

.....  
Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to postpone two (2) weeks the discussion and action on requiring pavement at the properties located at 4908 Hercules and 4225 Skyline. These properties were developed prior to the Ordinance requiring asphalt paving and should be grandfathered. [Braxton Merritt]

Mr. Braxton Merritt, presented his case to Council Members and supplemented with pictures of the property for further explanation.

Mr. Thomas Maguire, Building Permits and Inspections, answered questions from Council Members regarding the paving of the dirt roads and the paving conditions of surround properties.

Representative Cook commented on the air quality conditions in El Paso, specifically on windy days.

Mr. Said Larbi-Cherif, Interim Director of Building Permits and Inspections, provided background information pertaining to Mr. Merritt's property and noted that the previous property owner was not in compliance regarding the necessity to pave the road(s). He commented on a Memorandum of Understanding the TCEQ regarding air quality requirements.

.....  
No action was taken on the discussion in defense of public open space. [Matthew F. Carroll]

Mr. Matthew F. Carroll, citizen, commented on the erosion of space, particularly in the Central area of El Paso and urged citizens of El Paso to contact their City Representatives requesting that open space not be removed throughout the city. He asked that City Representatives preserve the city's trees.

Representative Cobos responded to Mr. Carroll's comments and commended Mr. Carroll's efforts on the El Paso Mountain Committee.

.....  
No action was taken on the discussion and action that the Mayor send written notice to the governing body of each taxing unit which levies real property taxes that the City of El Paso will not create a proposed Reinvestment Zone called TIF #4, and that the contract with Vinson & Elkins awarded by Council action on October 21, 2003, is hereby cancelled. [Lisa Turner]

Ms. Lisa Turner, citizen, made remarks regarding the new "Towne Centre" mall and provided information pertaining to major contributors of the mall. She requested that Council Members pursue companies that would provide higher paying jobs for El Paso citizens, rather than minimum wage jobs.

Mayor Joe Wardy, Representatives Cobos, Cook, Cushing, Power and Rojas addressed Ms. Turner's concerns.

Mayor Joe Wardy requested the following two items be discussed together:

6. Discussion and action for a permanent stay on any public funding for the Juan de Oñate monument and a permanent stay on any action to site the monument on public property owned by or under the jurisdiction of the City of El Paso. [Jaime O. Perez]
25. Resolution that the enlargement of the Equestrian, the contribution of more than \$1.25 million towards the project by the XII Travelers board, the agreement of the artist and the fund raisers to relocate the Equestrian to the grounds of the El Paso International Airport, and all the terms and conditions contained in the Seventh Amendment to the Commission agreement are sufficient considerations to permit the increase of City funds;

That the Mayor be authorized to sign the Seventh Amendment to the Commission Agreement between the City of El Paso and John Houser;

That the Department of Aviation be granted credit in the amount of \$713,189.00 as a contribution for art in municipal places as required by Ordinance No. 15373;

That the site in Cleveland Square previously approved by the XII Travelers Review Committee and the City Council as the location of the Equestrian be reserved for another piece of art and that the sums reimbursed to the Tax Increment Finance District No. 1 fund by the Department of Aviation be reserved for the XII Travelers Memorial Project to be used in the event the City of El Paso elects to exercise the option granted in the original Commission Agreement to construct twelve different statues; and

That the Equestrian will be presented by the City as a celebration of the introduction of the Spanish culture to the Southwest.

Mayor Joe Wardy read into the record a letter he had received from Arturo Sinclair, Tribal Governor, Ysleta Del Sur Pueblo Indians.

Mr. Jaime O. Perez, citizen, read from a prepared statement regarding "symbols" and asked that the Star of Franklin be considered as the symbol of El Paso. He requested that Council Members "do the right thing".

The following individuals spoke in opposition of the project of the Don Juan de Oñate statue, in whole or in part:

Texas State Representative Norman Chavez requested that public funds for the project be cut off and that the remainder of the project be funded through private funds;

Ms. Petuuche Gilbert, Acoma Indian, cited reasons for opposing the project;

Mr. Mike Rooney, citizen, cited reasons for opposing the project location;

Mr. Maurus Chino, Acoma Indian, cited reasons for opposing the project;

Mr. Albert Alviderez, former Governor of the Tigua Indians, cited reasons for opposing the project;

Dr. Yolanda Chavez-Leyva, UTEP Professor, cited reasons for opposing the project;

Mr. Gary L. Kieffner, Cherokee Indian, cited reasons for opposing the project;

Mr. Jesus Padilla, Ysleta del Sur Pueblo, cited reasons for opposing the project;

Mr. Ray Gilbert, citizen, spoke in opposition to the name, Don Juan de Oñate.

The following individuals spoke in favor of the Don Juan de Oñate statue:

Ms. Debbie Hester, citizen, cited reasons for supporting the project;  
Mr. Antonio Piña, President of the 12 Travelers Board of Directors, displayed the KDBC Channel 4 news poll (on file in the City Clerk's office) and cited reasons for supporting the project;  
Mr. Henry Jurado, Chairman of the 12 Travelers Review Committee, cited reasons for supporting the project;  
Mr. Leon Metz, citizen, cited reasons for supporting the project;  
Mr. Mario Zerboni, citizen, cited reasons for supporting the project.

Mr. Patrick Abeln, Director of Aviation, gave backup information regarding the project's placement at the Airport, and funding sources. He answered the questions of Council.

Ms. Sylvia Borunda-Firth, Assistant City Attorney, provided an explanation regarding the new Agreement and answered questions from the Council Members.

Motion made by Representative Cobos, seconded by Representative Lozano to reject the project.

Representative Cushing requested that Representative Cobos withdraw his Motion and requested that he clarify whether or not the City would move forward with the project, to include the renaming the project.

Representative Cobos requested that the private sector take over the project and asked that the vote on his motion be taken, up or down.

Representative Cushing then requested Representative Cobos amend his motion to state that the Council was not doing away with the project but that the project be returned to the 12 Travelers to find additional private funding.

Representative Cobos amended his motion as suggested by Representative Cushing.

Ms. Jodie Schwartz, 12 Travelers representative, commented on non-profit organizations struggling to raise funds and explained that deadlines would be difficult to meet. She explained requirements the McKee Foundation had placed on its funding of \$390,000.

Ms. Yvette Beaudin, 12 Travelers Board of Directors Treasurer, provided information pertaining to reimbursement payments to Mr. Houser.

Representative Escobar stated that the private sector might not provide the funding necessary to complete this project.

Mayor stated that there was a motion and a second to suspend the rules of electronic voting to take items 6 and 25 together. Ms. Momsen took the vote and the motion passed unanimously.

Ms. Richarda Duffy Momsen, City Clerk, clarified the motion as "Motion made by Representative Cobos, seconded by Representative Lozano to reject the Resolution; amended by Representative Cushing to *"deny the Resolution and to return the project to the 12 Travelers Committee to find additional private money"*.

Representative Cobos confirmed that he had amended his original Motion. Representative Lozano seconded.

The vote was as follows:

NAYS: Representatives Austin, Cushing, Cook, Power, and Escobar.

AYES: Representatives Lozano, Rojas, and Cobos.

***The motion failed.***

Representative Lozano moved to postpone four weeks. Representative Cobos seconded.

The vote was as follows:

NAYS: Representatives Austin, Cook, Power, Escobar, and Mayor Joe Wardy.

AYES: Representatives Cushing, Lozano, Rojas, and Cobos.

***The motion failed.***

.....

Representative Power moved to approve the Resolution. Representative Cook seconded.

Representative Austin moved to approve the Resolution; however, amending the Agreement to set specific deadlines for each of those steps.

Representative Cook explained that he would request additional amendments; however, at this time, he seconded Representative Power's motion, but amended the motion to include a cap of \$500,000, not to include the base and engineering costs, and that the name of the statue be "The Equestrian".

Representative Power did not approve of the placement of the \$500,000 cap to his motion.

Representative Power accepted Representative Cook's amendment to the Motion regarding the name.

Representative Austin proposed an amendment to the Motion as follows, as an addition to the Periodic payment that the following deadline be set:

December 1, 2003, at least 20% of the work delivered;

March 1, 2004, another 30%;

June 1, 2003 at least another 25%; and

The balance by August 31, 2004 deadline.

Representative Power requested that Representative Austin's amendment be included in his Motion.

Representative Cushing requested an amendment that no reference of the name "Don Juan de Oñate" be made on the statue, the base or another area and that the name of the statue

Representative Power stated he would amend his Motion to include Representative Cushing's amendment to his original Motion. Representative Cook seconded.

Ms. Momsen asked Representative Power to confirm his decision on the following amendments to his original Motion:

Representative Austin's amendment to include the deadlines (as listed above) was accepted;

Representative Cook's amendment, was not accepted;

Representative Lozano amendment to strike any mention of the name "Don Juan de Oñate" was accepted; and

Representative Cushing's motion to state no mention of the name "Don Juan de Oñate" on the statue or base and the title of the statue would be "The Equestrian" was accepted.

Representative Power confirmed.

Motion made by Representative Power, seconded by Representative Cook and carried to approve the above Resolution as revised.

AYES: Representatives Cushing, Cook, Power, Escobar

NAYS: Representatives Austin, Lozano and Cobos

ABSTAIN: Representative Rojas

Motion made by Representative Lozano, seconded by Representative Power and unanimously carried to suspend the Rules of Order regarding electronic voting for the remainder of the meeting.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to reconvene the City Council Meeting from recess at 12:58 p.m.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Motion made by Representative Cook, seconded by Representative Power and carried to recess the City Council Meeting at 1:00 p.m. to conduct the Mass Transit Board Meeting.

NAYS: Representative Austin, Cushing, Lozano, Cobos

AYES: Representative Cook, Power, Escobar, Rojas, Mayor

The City Council meeting was recessed at this time.

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to reconvene the City Council Meeting at 1:08 p.m. from the Mass Transit Board Meeting.

No action was taken on the discussion and action directing Community Development Department staff to develop a program which allows for acquisition funding made available for 501(c)(3)s. [Dr. Patricia Monardes]

Dr. Monardes, representing LULAC's Hispanic Cultural Center 501(c)(3) – Fiesta De Las Flores, commented on the forgiveness of the loans of two City loans.

Ms. Debbie Hamlyn, Deputy CAO for Quality of Life, commented on the agenda item.

Representative Austin commented on her knowledge regarding the use of HUD monies.

Representative Cobos requested that Dr. Monardes and Ms. Hamlyn schedule a meeting with him.

\*Motion made, seconded and unanimously carried to postpone one (1) week the approval of the Minutes for the Regular City Council Meeting of September 30, 2003.

\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of October 28, 2003; Legislative Review Committee of the Whole Meeting Minutes for August 18, October 27 (Pre-Council), and October 27 (canceled), and October 29, 2003; and Special City Council Meeting Minutes for October 1, 13, 16 and 20, 2003.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Professional Services Agreement between the CITY OF EL PASO and ERNST & YOUNG LLP for the preparation and submission of a general purpose foreign trade zone expansion application to the Foreign-Trade Zones Board for the expansion of Foreign Trade Zone No. 68. The total amount of the contract shall not exceed \$12,000.00 for professional services and \$1,200.00 for expenses.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Appraisal Services between the City of El Paso and Gayle-Reid Appraisal Services, Inc. for the appraisal of the following described parcel of land: A portion of Lot 1, Block 1, Butterfield Trail Aviation Park, Unit One, City of El Paso, El Paso County, Texas consisting of approximately 4.944 acres of vacant land more or less, located west of the Air Cargo building at 301 George Perry Blvd.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department to present the following group at the FY04 Music Under the Stars World Festival, to be held at the Chamizal National Memorial, as recommended by the Arts & Culture Department Advisory Board and Staff.

1. Sergio Martinez for Sergio Martinez and Dolores Martinez; one performance on Sunday, June 20, 2004; cost of \$4,000.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Power and carried to approve the above Resolution.

AYES: Representatives Austin, Cushing, Cook, Power, Escobar, Rojas and Cobos  
NAYS: Representative Lozano

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 20th day of May, 2003, after due notice and hearing, ordered MARIA ALVA, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Deputy Director for Buildings Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

The East 40 Feet of Lots 11 through 13, inclusive, Block 63, Magoffin's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 19, Plat Records of El Paso County, Texas,

to be \$26,656.45, performed by the Street Department of the City of El Paso, \$1,465.65 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$28,122.10. The City Council finds that the work was completed on the 29th day of August, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWENTY-EIGHT THOUSAND ONE HUNDRED TWENTY-TWO and 10/XX DOLLARS (\$28,122.10) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Amendment to the Community Adjustment and Investment Program Agreement for Grants to U.S. State and Local Governments ("the Grant Agreement," Award Number 2001-039-TX-P) between the North American Development Bank (NADBank) and the City of El Paso, to allow for a partnership with ACCION Texas, to allow lending according to EPA, EDA or CAIP guidelines, and to amend quarterly performance standards and annual goals.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a Notice of Grant Award Authorization from the Health Resource and Services Administration (HRSA), on behalf of the El Paso City County Health and Environmental District, for Phase II renovation of the 58,800 sq. ft. warehouse located at 5115 El Paso Dr., El Paso, Texas. The renovated space will be utilized as a public health facility. This grant is in the amount of \$1,081,922.00. No matching City funds are required.



**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign the City of El Paso 457 Plan Trust Agreement between the City of El Paso and ING National Trust, to establish a trust constituting a part of the City's 457(b) Deferred Compensation Plan, pursuant to which assets are held to provide for the funding of and payment of benefits under the Plan.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement.

Teams of High Performance                      Marwood Park

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.  
[Parks and Recreation, Ray Cox, (915) 541-4331]

**ARMIJO RECREATION CENTER**

**DEPARTMENT ID: 51510065, ACCOUNT 502214**

1.     **CONTRACTOR:**        Alejandra Veronica Valadez, Dance and Exercise Instructor  
       **DATES:**                November 5, 2003 thru December 31, 2003  
       **RATE PER CL:**        \$9.00  
       **MAXIMUM AMT:**      \$1,080.00  
       **CONTRACT:**          **2003/2004-074**

**ACOSTA SPORTS CENTER**

**DEPARTMENT ID: 51010215, ACCOUNT 502215**

2.     **CONTRACTOR:**        Rosa Escalante, Scorekeeper  
       **DATES:**                November 5, 2003 thru August 31, 2004  
       **RATE PER GM:**        \$10.00  
       **MAXIMUM AMT:**      \$2,300.00  
       **CONTRACT:**          **2003/2004-075**
3.     **CONTRACTOR:**        El Paso Umpires Association, Baseball Tournaments  
       **DATES:**                November 5, 2003 thru August 31, 2004  
       **RATE PER GM:**        \$54.00  
       **MAXIMUM AMT:**      \$5,400.00  
       **CONTRACT:**          **2003/2004-076**

4. CONTRACTOR: Hector Garcia, Scorekeeper  
DATES: December 1, 2003, thru August 31, 2004  
RATE PER GM: \$10.00  
MAXIMUM AMT: \$2,200.00  
CONTRACT: 2003/2004-077

NOTE: Resolution was revised from "ARMIJO RECREATION CENTER DEPARTMENT ID: 51510115, ACCOUNT 502214" to "ARMIJO RECREATION CENTER DEPARTMENT ID: 51510065, ACCOUNT 502214".

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount not to exceed \$15,000.00 from the Texas Department of Transportation, for the purpose of conducting special traffic enforcement programs; that the Chief of Police be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. Matching funds required in the amount of \$9,180.00.

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Police Department be authorized to submit a grant application and that the Mayor be authorized to accept a grant award from the Target Corporation, Family of Giving Programs, for funding in the amount of \$800.00 for the purpose of obtaining a 24 hour VCR, a 3 in 1 printer and a TV/VCR combo to be used by the Police Department Westside Regional Command Center, in connection with the Department's criminal investigations. No matching funds required.

.....  
**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE PURCHASING DEPARTMENT TO ADVERTISE TO THE PUBLIC FOR SALE PROPERTY LEGALLY DESCRIBED AS BLOCKS 79 AND 80, SUNRISE ACRES #1 AND AUTHORIZING THE PURCHASING DEPARTMENT TO OBTAIN AN INDEPENDENT APPRAISAL AS REQUIRED BY STATE LAW TO ESTABLISH THE VALUE.**

WHEREAS, on September 22, 2003, JKS Properties, Inc. & JKS Homes requested the City sell property described as Block 79 and 80 Sunrise Acres #1, El Paso, El Paso County, Texas; and,

WHEREAS, on October 8, 2003, the City's Development Coordinating Committee by vote decided to recommend to the City Council approval of the sale of this City-owned land; and,

WHEREAS, State statutes require that before land owned by a municipality is sold, notice to the general public of the offer of the land for sale must be published, and sealed bids to purchase the land may be submitted to the municipality; and,

WHEREAS, the City Council finds that it is in the interest of the citizens and serves a public purpose to sell the property; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The City's Purchasing Department is hereby authorized, upon recommendation of the City's Development Coordinating Committee, to advertise to the public for sale property legally described as Blocks 79 and 80, Sunrise Acres #1, El Paso, El Paso County, Texas. The Purchasing Department is authorized to obtain an independent appraisal to establish value.

\*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to execute and file Grant Applications to the Texas Department of Protective and Regulatory Services for the Community Youth Development Program in the amount of THREE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$355,000) for the period of December 1, 2003 to August 31, 2004; and Resolution that the Mayor be authorized to execute any Grant Agreements for the above amounts, or for a greater or lesser amounts, and any amendments to the initial Grant Agreements which increases, decreases or de-obligates Program funds, provided that no additional City funds are required, upon approval by the Texas Department of Protective and Regulatory Services.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with PUERTO VILLA to lease the company One (1) 4 Cubic Yard Dumpster for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

\*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Request that the street and drainage improvements in the following subdivision to be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Paseos Del Sol Unit One  
Owner/Developer: Paseos Del Sol Joint Venture  
Consultant: ATCON Engineering

**Street Improvements:**

Paseo Nuevo Drive - from the east property line of Joe Battle Boulevard to the west property line of Paseo Feliz Drive, and from the east property line of Paseo Feliz Drive to west property line of Paseo Grande street

Paseo Lindo Lane - from the northwest subdivision boundary line to the northeast property line between Lots 11 and 12, Block 6

Paseo De Acro Court - from the southwest subdivision boundary line to the east property line of Paseo Grande Street

Paseo Corto Circle - from the east property line of Paseo Feliz Drive to the end of cul-de-sac

Paseo Grande Street - from the northeast subdivision boundary line to the north property line of Paseo Alegre Drive, and from the south property line of Paseo Alegre Drive to the northeast subdivision boundary line

Paseo Largo Drive - from the east property line of Paseo Grande Street to the end of cul-de-sac

Paseo Valle Lane - from the west property line of Paseo Feliz Drive to the west property line of Paseo Grande Street

Paseo Chico Drive - from the south property line of Paseo Valle Lane to the north property line of Paseo Lindo Lane

Paseo Unido Street - from the northwest subdivision boundary line to the east property line of Paseo De Acro Court

Paseo Feliz Drive - from the northwest property line between Lots 10 and 11, Block 1 to the northeast property line between Lots 11 and 12, Block 6

Paseo Alegre Drive - from the northeast subdivision boundary line to the east property line of Paseo Grande Street, and from the west property line of Paseo Grande Street to the northwest property line between Lots 10 and 11, Block 1

#### Drainage Improvements:

Retention Ponding Area located at Lot 5, Block 2; with a 0.92 ac. Area and a 10.50 ac-ft.

Capacity; 2-Thurst Block Structure with Concrete Rip-Rap; 73.93 ft. of 24" R.C.P.; 75.49 ft. of 36" R.C.P.; 698.59 ft. x 6 ft. high Rock Wall Fence around the ponding area perimeter; 489.20 ft. x 5 ft. Sidewalk; 20 ft. wide Concrete Drive Way; 1-18 ft. Double Swing Gate; and 1 – Depth Gauge

Retention Ponding Area located at Lot 1, Block 4; with a 1.13 ac. Area and a 13.0 ac-ft.

Capacity; 3-Thurst Block Structure with Concrete Rip-Rap; 74 ft. of 36" R.C.P.; 148 ft. of 24" R.C.P.; 791 ft. x 6 ft. high Rock Wall Fence around the ponding area perimeter; 581.16 ft. x 4 ft. Sidewalk; 20 ft. wide Concrete Drive Way; 1-18 ft. Double Swing Gate; and 1 – Depth Gauge

#### Storm Drainage System -

1-5 Grate Drop Inlet Type I; located at Paseo Lindo Lane

1-4 Grate Drop Inlet Type I; located at Paseo Valle Lane

1-3 Grate Drop Inlet Type I; and 1-2 Grate Drop Inlet Type I; located at Paseo Feliz Drive

1-6 Grate Drop Inlet Type I; located at Paseo Alegre Drive

25 ft. Drainage Easement at Lot 11, Block 6; 335 ft. of 36" R.C.P.; and 1-Junction Box/48" Manhole

15 ft. Drainage Easement at Lot 14, Block 1; 147 ft. of 30" R.C.P.

.....  
\*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Personnel Analyst II (2)

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Municipal Services

.....  
Add                      1.00                      Capital Assets Manager                      EX-E

\*Motion made, seconded and unanimously carried to postpone one (1) week the Staffing Table Change for Mayor & Council

Delete	1.00	Secretary III	GS19
Add	1.00	Administrative Assistant	GS23
Delete	1.00	Secretary I	GS13
Add	1.00	Secretary III	GS19

.....  
\*Motion made, seconded and unanimously carried to re-appoint Alejandro A. Sanchez to the Parks and Recreation Advisory Board by Representative Paul J. Escobar, District 6.

.....  
\*Motion made, seconded and unanimously carried to appoint Jim Pulliam to the Information Technology Advisory Board by Representative John F. Cook, District 4.

.....  
\*Motion made, seconded and unanimously carried to appoint Marguerite Davis to the Enterprise Community Coordinating Committee (ECCC) by Representative John F. Cook, District 4.

.....  
\*Motion made, seconded and unanimously carried to appoint Yolanda Chavez-Leyva to the History Museum Board by Representative John F. Cook, District 4.

.....  
\*Motion made, seconded and unanimously carried to appoint Marilyn Del Rio to the Historic Landmark Commission by Representative John F. Cook, District 4.

.....  
\*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Alley behind 3303 Wyoming Avenue. Estimated cost is \$464.00.

.....  
\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C518-999-1180-0500, \$1,000.75 per month installments on a balance of \$36,027.00 for 1997, 1998, 1999, 2000, 2001 & 2002 taxes; Javier A. & Racquel Ortiz – 9008 Turrentine.
- B. PID #C518-999-1400-0500, \$837.11 per month installments on a balance of \$20,090.64 for 1998, 1999, 2001 & 2002 taxes; Francisco & Elena Cabral – 9348 Lait Dr.
- C. PID #G569-999-0240-5500, \$1,212.16 per month installments on a balance of \$9,697.28 for 2001 & 2002 taxes. Martha L. & Horacio Soto – 3930 Hueco.
- D. PID #M473-999-0320-9200, \$14,735.33 per month installments on a balance of \$132,617.97 for 1997, 1998, 1999, 2000, 2001 & 2002 taxes. SOWAMCO XXVII, LTD - 215 Paisano Dr.
- E. PID #1999-999-0390-0034, \$1,109.01 per month installments on a balance of \$6,654.06 for 2000 taxes. Forza Ristorante Bar % Jose & Julieta Gutierrez – 7500 Mesa.
- F. PID #0825-999-2991-0050, \$802.02 per month installments on a balance of \$8,020.20 for 2001 & 2002 taxes. A Alba, Inc. % Roger Alba – 1401 Darrington.
- G. PID #'s S562-004-038A-0900 & #M772-000-0030-0080, \$367.57 per month installments on a balance of \$4,410.84 for 1999, 2001 & 2002 taxes. Enrique G. Quiñones – 13066 Mark Twain Ave.
- H. PID #A462-999-0620-4100, \$283.88 per month installments on a balance of \$3,406.56 for 2000, 2001 & 2002 taxes. Betty L. C. Suvak & 1 – 1618 Ochoa.
- I. PID #H453-999-1340-8600, \$648.46 per month installments on a balance of \$15,563.04 for 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001 & 2002 taxes. Cecilia B. Gurrola – 2806 Sacramento Ave.
- J. PID #M791-999-0020-0400, \$1,197.44 per month installments on a balance of \$28,738.56 for 2001 & 2002 taxes. Carlos P. Algraves – 5613 Eagle Point.
- K. PID #N600-999-0000-4000, \$352.28 per month installments on a balance of \$4,227.36 for 2000, 2001 & 2002 taxes. Manuel A. Carrillo – 4618 Stanton #F40.

L. PID #X579-000-2340-0099, \$944.77 per month installments on a balance of \$5,668.62 for 2002 taxes. Los Rieleros Del Norte, Inc. – 12900 Montana.

.....  
\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Fairbanks Capital in the amount of \$8,487.85, overpayment of 2002 taxes. (PID #N425-999-0410-0100)  
B. Maria L Smertha in the amount of \$2,516.01, overpayment of 2002 taxes. (PID #C007-999-0030-6600)

.....  
\*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for one additional year, from November 1, 2004 to October 31, 2005 pursuant to the provisions of Contract 2002-219 with Cummins Rocky Mountain, LLC, El Paso, Texas for Auxiliary Generators Maintenance.

Option No.: One (of One)  
Department: Municipal Services/Building Maintenance  
Amount of award: \$17,507.76 (estimated award)  
Account Number: 31010326-31010325-502226  
Funding source: General Funds

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2003-225 Containers, Front Load, Six Cubic Yard

Award to: Steelform Industries  
Phoenix, AZ  
Item (s): 1 and 2 (All)  
Amount: \$50,900.00  
Department: Solid Waste Management  
Funds available: 508029-27204-04250201-PMB0002160  
Funding source: Solid Waste Equipment  
FY01 Certificates of Obligation-Equipment  
Total award: \$50,900.00

The Solid Waste Management and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties. A lower offer was received, but was not responsible.

This is a fixed-price, single (one-time) purchase, to purchase Six Cubic Yard, Front Load Containers. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within six (6) months from the date of award of the contract. A 2% prompt payment discount is offered if invoices are paid within 20 days.

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2004-065 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$45,000 for construction of stairs, site-work and sidewalks at the Civic Center in conjunction with the Union Plaza Transit Terminal. Funding source is prior CO sales.

Increase	\$45,000	to	31118111/P50200427038/508027	Construction
Decrease	\$45,000	from	31118111/P50200227034/508027	Construction
Increase	\$45,000	to	31118111/P50200227034/507001	Intrfd Trf
Increase	\$45,000	to	31118111/P50200427038/407001	Intrfd Trf

.....

Motion made, seconded and unanimously carried to approve budget transfer BT2004-078 MUSEUM OF ART

To appropriate funds that have been donated by Target and Mervyn's for support of 2003 Family Day in conjunction with Chicano Visions and other related events.

Increase	\$14,000	to	54154001/G54000607401/405060	Donations
Increase	\$14,000	to	54154001/G54000607401/502215	Outside Donat

.....  
\*Motion made, seconded and unanimously carried to approve the request of Cielo Vista Elementary School to hold a 35<sup>th</sup> Anniversary Parade on November 14, 2003 from 1:30 p.m. to 2:00 p.m. Route: Start at school's parking lot-9000 Basil to Cosmos, turn right on Cosmos to Wade, turn right on Wade to McCabe, turn right on McCabe to Basil and finish at the school's parking lot. Approximately 350 persons, 6 vehicles will take part and 400 spectators are anticipated. PERMIT NO. 03-175 [Nancy Tovar]  
.....

Motion made by Mayor Pro Tem Cobos, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing: Representative Cook was not present for the vote.

- A. An Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of Charter Amendments to be held within the City, on February 7, 2004; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance.
- B. An Ordinance of the City Council of the City of El Paso, Texas, calling a Bond Election to be held within the City, on February 7, 2004; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance, and providing an effective date.
- C. An Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.5 (Existing Buildings) to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing buildings. The penalty being as provided in Section 18.02.107 of the Code.
- D. An Ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by amending Chapter 18.08 (Building Code) Section 18.08.020 (adoption) to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing buildings. The penalty being as provided in section 18.02.107 of the code.
- E. An Ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by amending Chapter 18.10 (Residential Code) Section 18.10.030 (Administration - Amended) to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing residential buildings. The penalty being as provided in section 18.02.107 of the code.
- F. An Ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by creating Chapter 18.28 (Existing Building Code), and adopting the 2003 edition of the International Existing Building code to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing buildings. The penalty being as provided in section 18.02.107 of the code.

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 18, 2003 FOR ITEMS A – F**

- G. An Ordinance granting Special Permit No. ZON03-00002, to allow for a planned residential development on a portion of Tract 15A and a portion of Tract 15V, A. F. Miller Survey No. 213, El Paso, El Paso County, Texas (East of Resler Drive and South of Mesa Street) pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Resler Interstate 10 Development Corporation / Representative: Moreno Cardenas, Inc.; 2505 Missouri Avenue Suite 100, El Paso, Texas 79903.  
**THIS IS AN APPEAL CASE**
- H. An Ordinance granting Special Permit No. ZON03-00036 to allow for a parking reduction on the property described as Tract 6, Bassett Center Subdivision, El Paso, El Paso County, Texas (6024 Aztec Road), pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ramirez Family Real Estate Joint Venture / Representative: RC Properties; 4855 N. Mesa Street Ste. 116, El Paso, TX 79912.

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 25, 2003 FOR ITEMS G – H**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Mr. Ray Gilbert, citizen, addressed the Ordinance of the City Council of the City of El Paso, Texas, calling a Bond Election to be held within the City, on February 7, 2004; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance, and providing an effective date and made comments pertaining to the Ordinance. He commented on the success of the City of Albuquerque when passing their recent Bond Ordinance.

Mayor Joe Wardy explained that the Ordinance language would be published in the newspaper with the corresponding numbers.

Mr. Norman Gordon, Bond Counsel, explained that Council Members were allowed to make amendments to the Ordinance at the Public Hearing on November 18, 2003.

NOTE: Item A was revised to include "on February 7, 2004".

Items C through F were revised from "The penalty being as provided in section **18.04.107** of the code" to "The penalty being as provided in section **18.02.107** of the code".

.....  
 \*Motion made, seconded and unanimously carried to postpone one (1) week the request that the Director of Purchasing reject all bids submitted for Bid Number 2003-199, EPIA Fixed Base Operators Ramp & NASA Apron. The Purchasing Department and the El Paso International Airport recommend re-bidding. This item will re-bid with revised specifications.

Department: El Paso International Airport  
 .....

***See discussion on page 3.***

Motion made by Representative Cobos, seconded by Representative Lozano to return the project to the Twelve Travelers to find private funding. The Motion failed.

AYES: Representatives Lozano, Rojas and Cobos

NAYS: Representatives Austin, Cushing, Cook, Power and Escobar



Motion made by Representative Lozano, seconded by Representative Cobos to postpone for four (4) weeks the Resolution. The Motion failed.

AYES: Representatives Cushing, Lozano, Rojas and Cobos

NAYS: Representatives Austin, Cook, Power, Escobar and Mayor Wardy

Mayor Wardy voted NAY to break the tie.

Motion made by Representative Power, seconded by Representative Cook to approve the above Resolution as revised.

AYES: Representatives Cushing, Cook, Power, Escobar

NAYS: Representatives Austin, Lozano and Cobos

ABSTAIN: Representative Rojas

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the presentation by Ms. Carolyn Moore, Economic Development's Tourism Program Coordinator, on the City's Tourism Incentive Package.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on authorization to sign an Interlocal Government Agreement by and between the City of El Paso and the El Paso County Community College District, a political subdivision of the State of Texas, for the implementation of a program whereby individuals with severe disabilities, selected and trained by El Paso County Community College District, have an opportunity for productive employment as contract employees with the City of El Paso.

.....  
\*Motion made, seconded and unanimously carried delete the discussion and action to direct the CAO and appropriate departments to take necessary initial steps for a feasibility study to be conducted for an extension of Airway to Delta and to take necessary steps to include such a project into the planning process of the MPO, TIP and CIP.

.....  
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to direct staff and the City Attorney's Office to draft language amending Plumbing Ordinance #402 and Sanitation and Environmental Ordinance #341-061.

Representative Lozano requested that health inspectors be utilized to inspect restroom facilities at parks with organized sports facilities, stadiums, schoolhouses, theaters, etc., and requested that City staff and the City Attorney's office to draft language amending the Plumbing and Sanitation Ordinances.

Mr. Said Larbi-Cherif, Interim Director of Building Permits and Inspections, responded to Representative Lozano's comments and questions.

Representatives Cook and Power were not present for the vote.

.....  
Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to postpone one (1) week the discussion and action to convene the Border Relations Commission and discuss bi-national problems affecting El Paso and Juarez.

Representative Austin requested the item be postponed one week for further discussion.

Representatives Cook and Power were not present for the vote.

No action was taken on the briefing and discussion on the activities and accomplishments of the El Paso Housing Finance Corporation during the past six months.

Mr. Gerald Kurtyka, Housing Finance Corporation representative, briefed the Council on the activities of the HFC, what the organization was, its mission and funding sources. He gave the website address as: [www.elpasohfc.org](http://www.elpasohfc.org) for further information. He responded to questions from Representative Austin.

Representative Rojas commented.

.....  
Motion made, seconded and unanimously carried to move to the forefront of the regular agenda the following:

#### ORDINANCE 15595

The City Clerk read an Ordinance entitled: **AN ORDINANCE SETTING THE FEE SCHEDULE FOR THE FIRE DEPARTMENT MEDICAL SERVICES SYSTEM OF THE CITY OF EL PASO AND REPEALING ANY PREVIOUS FEE STRUCTURES UNDER ORDINANCE 014773.**

Representative Cook moved to approve; however, requested that funding for manning the two additional ambulances be included in the FY05 Budget.

Fire Medical Assistant Chief Loretta Jordan commented and answered the questions of Mayor Joe Wardy and Council.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, responded to Mayor Wardy's comments and answered the questions of Council Members.

Mr. Jim Martinez, Chief Administrative Officer, explained that the administration was allocating funds to equipment 30 ambulances.

Mayor Joe Wardy, Representatives Cushing, Power, Rojas, Lozano and Austin commented.

Mr. Ray Gilbert, citizen, suggested utilizing the Hospital District's monies to supplement the costs.

Mayor Wardy requested that Mr. Gilbert provide him with documents supporting his comments.

Mr. Sal Gomez, citizen, noted that indigent individuals in need of an ambulance would rather not utilize an ambulance than have to pay the high cost.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cook, Escobar, Cobos and Mayor Wardy  
NAYS: Council Members Cushing, Lozano, Power, Rojas Absent: None  
Mayor Wardy voted AYE to break the tie.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
NOTE: Ordinance was revised.

ORDINANCE 15596

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), SECTION 13.24.200 (RENTAL RATES AND USER FEES AUTHORIZATION) OF THE EL PASO MUNICIPAL CODE TO REVISE THE CAPTION OF SECTION 13.24.200 AND TO ESTABLISH OR REVISE RENTAL RATES, USER FEES, AND PROGRAM FEES.**

Mr. John Nance, Assistant City Attorney, revised the caption of the Ordinance.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Council Members Cook and Power were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance was revised.

.....  
ORDINANCE 15597

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 4K (4K1) AND 5B1A (5B1A1), BLOCK 55, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (1125 N. ZARAGOZA ROAD) FROM C-1 (COMMERCIAL) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Kim Forsyth, Urban Planner, explained the zoning change request and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.

Representative Escobar commented briefly.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Council Members Cook and Power were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Austin, seconded by Representative Cushing and carried to deny an Ordinance amending Ordinance No. 010764, which changed the zoning of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas from R-1 (Residential) to R-2 (Residential) and imposed certain conditions, by deleting the condition thereof. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Sunny View, LLC / Representative: Brock & Bustillos, Inc.; 417 Executive Center Boulevard, El Paso, TX 79912. ZON03-00013.

Ms. Kim Forsyth, Urban Planner, explained the Ordinance amendment and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.

Mr. Terry Johnson, attorney representing the applicant, gave Council Member's documents supporting his client's case. (on file in the City Clerk's office)

Messrs. John Horne and Terry Hoke spoke in opposition to the proposed development.

Mrs. Mary Francis Kiesling, citizen, presented copies of letters of citizens opposed to the proposed development to Representative Austin (on file in the City Clerk's office).

The City Clerk called for public comment. There was no public comment.

AYES: Representatives Austin, Cushing, Lozano, Rojas and Cobos  
NAYS: Representative Escobar  
NOT PRESENT: Representatives Cook and Power

.....  
\*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of a portion of Tract 4, Block 4, Castner Range Subdivision, El Paso, El Paso County, Texas (Joel Drive South of Diana Drive) from A-O (Apartment/Office) to R-3A (Residential). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc. / Representative: CEA Engineering Group; 2718 Wyoming Avenue, El Paso, TX 79903. ZON03-00027  
.....

ORDINANCE 15598

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 501 AND 502, SUNRISE ACRES ADDITION, EL PASO, EL PASO COUNTY, TEXAS (SKYLINE DRIVE SOUTH OF HONDO PASS AVENUE) FROM R-4 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Ms. Kim Forsyth, Urban Planner, explained the zoning change request and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Council Members Cook and Power were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.  
.....

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week an Ordinance granting Special Permit No. ZON03-00029, to allow for a planned residential development on a portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso, El Paso County, Texas (Pebble Hills Boulevard East of Joe Battle Boulevard) pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: JNC Land L.P. / Representative: Conde, Inc.; 1790 Lee Treviño Drive Suite 400, El Paso, TX 79936.

Council Members Cook and Power were not present for the vote.

.....  
ORDINANCE 15599

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 18A AND 18C, BLOCK 51, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (SOCORRO ROAD SOUTH OF ISAIAH DRIVE) FROM R-F (RANCH AND FARM) AND R-F/H (RANCH AND FARM/HISTORIC) TO C-1 (COMMERCIAL) AND C-1/H (COMMERCIAL/HISTORIC). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Ms. Kim Forsyth, Urban Planner, explained the zoning change request and noted that the Planning Research and Development office had received no letters or phone calls in opposition or support. She added that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval. She stated that although Socorro Road was a heavily used road, there were no calls in support or in opposition of the zoning change request.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Council Members Cook and Power were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15600

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3, BLOCK 1, ASCARATE GRANT, EL PASO, EL PASO COUNTY, TEXAS (VISTA DE ORO DRIVE SOUTH OF VISTA DEL SOL DRIVE) FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Ms. Kim Forsyth, Urban Planner, explaining the zoning change request and explained that the road would provide access to the new Wal-Mart. She noted that Wal-Mart would be paying for the paving of the road and added that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Escobar, Rojas and Cobos

NAYS: None Absent: None

Council Members Cook and Power were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to move to the forefront the following:

Resolution that the Mayor be authorized to sign an Amendment to the Contract between the CITY OF EL PASO and ERNEST COCA and wife BERTHA COCA, dated Oct. 11, 1988; to release Conditions #5 and 7, amending Condition 1 to read as follows: *"No building shall be located closer than 40 feet to Lots 8 and 9, Nueces Place"*, amending Condition 8 to read as follows: *"No building shall be located closer than 15 feet to the southerly property line adjacent to Tracts 11A & 11B, Block 19, and Tracts 9D, 9E, 9F, 9G, 9H, & 9J, Block 17, YSLETA GRANT, El Paso, El Paso, County, Texas"*, and adding a new condition requiring detailed site development plan review and approval on the property described as *Tracts 9B, 9C, 9KL1, and 9L, Block 17 and Tract 17, Block 19, YSLETA GRANT, El Paso, El Paso County, Texas*. Applicant: Ernest & Bertha Coca / Representative: Dorado Engineering, Inc., 2717 E. Yandell, El Paso, TX 79903.

Ms. Kim Forsyth, Urban Planner, explained the Resolution amendments and conditions for Council Member's information, 12 property owners within 200 feet were opposed to the Resolution, invoking the 211.006(d). She noted that the DCC (Development Coordinating Committee) did not recommend releasing the Amendment conditions and that the CPC (City Plan Commission) had recommended amending Conditions 1 and 8 and adding a new condition to the Contract.

Mr. Bill Mischen, citizen, asked Council Members to retain the restrictions.

Mr. Nicolas Dominguez, President of Nueces Neighborhood Association, displayed a map of the property (on file in the City Clerk's office) and asked that the Resolution be approved.

Representative Rojas referred to a petition with 98 signatures opposing the proposed development and 48 letters (on file in the City Clerk's office) and asked questions of Mr. Dominguez.

Mrs. Rosa Dominguez-Morales, representing Rosedale Park, commented on the great distance that the children would have to walk to reach Ramona and Constant Elementary School and the danger of those children having to walk on North Loop Road.

The City Clerk called for public comment. There was no public comment.

Section 211.06: Procedure Governing Adoption of Zoning Regulations and District Boundaries

Subsection (d): If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body.

Motion made by Representative Lozano, seconded by Representative Cook and unanimously carried to approve the above Resolution.

AYES: Representatives Lozano, Cook, Escobar and Cobos

NAYS: Representatives Austin, Cushing, Power and Rojas

The Motion FAILED due to the required seven affirmative votes of Council per State Statute, Section 211.06(d).

.....  
RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 10205 Whitetail Drive in El Paso, Texas, which property is more particularly described as follows:

Lot: 30, Block 6, Deer Valley Unit One, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 55, Page 31, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Elaine B. Nagley, Fredrick A. Harris, C/O Ann H. Harris, 957 Raven Street, Corpus Christi, TX 78418, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on November 4<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. Since the owners have failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

1. That the City Council hereby orders Owners to comply with the following requirements:

- a. That the mobile home be demolished and removed within (30) days; and
- b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
- c. That the Owners of said mobile home are hereby ordered to comply with all requirements of the Resolution; and
- d. The owners are advised that in order to obtain a new certificate of occupancy, the mobile home and its service systems must be brought into compliance with the current codes.
- e. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to

demolish and remove the mobile home and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall demolish and remove the mobile home and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing and removing the mobile home and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing and removing the mobile home and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the mobile home so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week the above Resolution.



Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to reconsider.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

.....  
\*Motion made, seconded and unanimously carried to delete a public hearing to determine if the Council Resolution of August 5<sup>th</sup>, 2003, for the property located at 804-812 E. Third Street, in the City of El Paso (legal description on file with the City Clerk) has been complied with and, if not, to proceed with the demolition. The owner of this property, Maria Castruita, 417 S. Ochoa Street, El Paso, Texas 79901, has been notified of the violations at this property. A mobile home located on the property has delinquent taxes in the amount of \$4,025.09.  
.....

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized sign a First Amendment to the Planning and Project Management Services Agreement by and between the City of El Paso and Perspectiva + 3D/I - A Joint Venture, in connection with the 2000 Quality of Life Bond Issue Program, to amend the schedule for deliverables.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item: Hector Lopez and Maria Isabel Lopez vs. City of El Paso, et, al., Cause No. 2002-5721, Our File No. 03-S-01. (551.071)  
.....

\*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item: Discussion and action on indemnification language in City Contracts. (551.071)  
.....

\*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item: Richard Chatterton, Jr., 03-C-283. (551.071)  
.....

\*Motion made, seconded and unanimously carried to delete the following executive session item: Richard Chatterton, Sr. 03-C-283B. (551.071)  
.....

\*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item: Isabel Burke and Cecilia Aguirre vs. City, EP-03-CA-0426-FM, Our File No. 03-S-52 (551.071)  
.....

\*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item: To hire attorney for representation in the following bankruptcy proceeding: In Re: JGW Food Systems, Inc. d/b/a Welsh's Food Plaza; Case No. 03-32427-LEK. (551.071)  
.....

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 3:17 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and Action on Personnel Item - Francisco Sepulveda. (551.074)

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 3:25 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the employment contract with Francisco Sepulveda be terminated for convenience.

Representatives Cook and Power were not present for the vote.

.....  
Motion made by Representative Austin, seconded by Representative Cobos and carried to adjourn this meeting at 3:26 p.m.  
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk